

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

OCT 24 2006

at 9 o'clock and 3 min. 4 M  
SUE BEITIA, CLERK

UNITED STATES OF AMERICA

VS

JORGE SALAZAR-GUILLEN

§  
§  
§  
§  
§  
§  
§

CASE NO 00-00187-01 HG

DEFENDANT'S MOTION TO REQUEST THAT THE COURT ORDER THE RELEASE  
AND PREPARATION OF THE COURT'S TRANSCRIPTS

COMES NOW, Jorge Salazar-Guillen, Defendant/Movant in the above entitled cause and moves this Honorable Court to order the preparation and release of the court's transcripts. In support of Defendant/Movant's request that the court order the the preparation and release of the Defendant/Movant's arraignment trial/plea and sentencing transcripts that where taken during these proceedings, the Defendant/Movant will show the court the following in support of this motion:

1.

On or about April 12, 2002, the Defendant/Movant appeared before this court for sentencing on several charges in which he plead guilty to Continuing Criminal Enterprise, Criminal Forefeiture, Money Laundering, and Unlawful use of drugs to Possess in an affect commerce, a firearm.

2.

On April 12, 2002, The Honorable Helen Gillmor of the United States District Court for the District of Hawaii imposed a sentence of 240 months in the custody of the Bureau of Prisons.

3.

The Defendant/Movant has on several occasions requested that he be provided a copy of the court's transcripts on the fact that the Defendant/Movant has attempted to file a motion to reconsider the defendant's sentence.

4.

The Defendant/Movant will further show the court that he has on numerous occasions requested the transcripts from the attorney that represented the Defendant/Movant on several occasions and has not been provided the copies as of today.

5.

The Defendant/Movant will further show the court that he has also filed with the court a Motion for the Court to Order Counsel for Defendant to Provide Copies of Appeal Brief, and Government's Response to Appeal Brief on or about February 3, 2004.

#### ARGUMENT

The Defendant/Movant argues that he is entitled to a copy of his court's transcripts whether he has the financial means to pay or not. Under the 4th Amendment Rights, the Defendant/Movant has the right to access the courts and court records.

Denying the Defendant/Movant a copy of his court's transcripts is causing irreparable harm to the defendant's freedom. The court is denying this right in failure to provide him with a copy.

Further the defendant asserts his right to be furnished said copy copy of transcripts and, in support of this assertion, he cites the following cases to support his request:

Draper V. Washington, 372 U.S. 487, 83 S. Ct. 744, 9 Led2d 899 (1963), which reasons that the essence of the adversary system is challenge, and that the survival of the Criminal Justice System depends upon creative questioning of the official decisions and assertions of authority at all stages of the process, through careful examination of the established record. See also Mayer V. Chigao, 404 U.S. 189, 92 S. Ct 410, 30 Led2d 372 (1971); Roberts V. Lavallae, 389 U.S. 40, 88 S. Ct 194, 19 Led2d 41 (1967); Long V District of Iowa, 395 U.S. 192, 87 S. CT. 362, 17 Led2d 290 (1966); Gardner V California, 392 U.S. 367, 89 S. Ct 580, 21 Led2d 601 (1969); U.S. V. Brentley, 961 F2d 425 (3rd Cir. 1992); U.S. V Cashwell, 950 F2d 699 (11th Circuit 1992), Griffin V Illinois, 351 U.S. 12, 100 Led 891, S. Ct 585 (1956).

All of the above mentioned cases agreed that an indigent prisoner is entitled to copies of his transcripts in order to effect proper consideration of his claims.

The requested transcripts are essential and invaluable in determining whether defendant's substantive and/or procedural rights were violated during the time of contestment.

#### PRAYER

Defendant prays that the court grant Defendant/Movant's Motion to Request that the Court Order the Release and the Preparation of the Court's Transcripts and that the court order such.

Defendant/Movant prays for relief that he is justly entitled to.

Respectfully Submitted,



Jorge Salazar-Guillen #87626-022  
F.C.I. Beaumont Low-Unit SB  
P.O. Box 26020  
Beaumont, Texas 77720-6020

CERTIFICATE OF SERVICE

I certify that on this 12<sup>th</sup> day of October, 2006, I mailed a copy of this Motion to the Office of the United States Attorney at the address below by U.S. Postal Service, postage pre-paid:

United States Attorney  
District of Hawaii  
300 Ala Moana Blvd  
Honolulu, Hawaii 96813

  
\_\_\_\_\_  
Jorge Salazar-Guillen